

## **REMARKS**

Claims 1-3 and 5-20 are pending in the application. Claim 4 was previously cancelled.

### **Rejections Under 35 U.S.C. §102(e)**

Applicant respectfully traverses the Examiner's rejection of claims 1-3, 5-8, 12-14, 18 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6134532 to Lazarus (hereinafter referred to as "Lazarus").

#### **1. Rejection of Claim 1:**

Claim 1 recites:

"A data mining system comprising:

one or more subscriber servers for collecting information identifying a user and providing a first data set of user information;

one or more demographic databases having third party information and providing a second data set; and

a processor in operative communication with the one or more subscriber servers and the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one or more demographic databases,

said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user."

Lazarus is directed towards a system for selecting advertisements in a computer environment. The system includes a database of electronic advertisements. Observed behavior of a user computer in the computer environment is converted to a "behavior vector." The behavior vector is compared to a group of "entity vectors" indicative of the ads, and entity vectors closely associated with the observed behavior are identified. A selector accesses the database with the identified entity vector to select electronic ads to communicate to the user computer. Lazarus, however, fails to disclose or suggest a first data set of user information and a

second data set of third party information. Lazarus in no way discloses or suggests processing first and second data sets as claimed in the instant application.

The Examiner alleges that “one or more subscriber servers for collecting information identifying a user and providing a first data set of user information,” as in claim 1 of the present application, is disclosed at lines 5-23 of col. 17, and line 15 of col. 21 to line 13 of col. 22 of Lazarus.

Applicant respectfully submits that the Examiner has misconstrued the cited portions of Lazarus which merely describe a real-time ad server (RTAS) module (block element 214 in Figure 2). The RTAS is the engine which observes the user behavior, and based upon that behavior, selects the appropriate ad to present to the user computer.

“The RTAS module 214 also incorporates user behavior into the user's profile vector. These behaviors include a web page request 218 or a search query 217 as shown in FIG. 2. The client computer 219 passes a behavior packet including the observed behavior in the client API. The RTAS module 214 uses the information contained in the user behavior packet to generate a behavior vector for the user action.”

If the RTAS module detects that a user has, for example, clicked on an ad, the RTAS module sends an update message to an entity update server (EVUS) module.

“The EVUS module 228 consists of one or more executable computer programs that receive requests from clients over a network protocol (TCP/IP) and generates responses to such requests. The EVUS module 228 may have one or more physical databases which are used to efficiently store and index the user profile content vectors and parameters by unique entity IDs.”

However, even as construed by the Examiner, Applicant respectfully submits that the above-quoted portions of Lazarus do not teach or suggest “one or more subscriber servers for collecting information identifying a user and providing a first data set of user information” as particularly disclosed and claimed by Applicant.

The Examiner further contends that “one or more demographic databases having third party information and providing a second data set” is disclosed at col. 18, line 53 to col. 19, line 23; and col. 20, lines 30-43.

Applicant respectfully submits that the Examiner has misconstrued the cited portions of Lazarus which merely disclose:

“user profile vectors are the basis for...inference of user characteristics based on cross-correlation of user behavior profiles with demographic purchasing databases...advertisers can analyze the profiles vectors to retrieve user demographics...used to augment the [user] information in the profile vector database [Figure 16].”

However, even as construed by the Examiner, Applicant respectfully submits that the above-quoted portion of Lazarus does not teach or suggest “one or more demographic databases having third party information and providing a second data set” as particularly claimed. Rather, the cited portion of Lazarus clearly discloses further user related information. There is no teaching or suggestion of third party information such as Applicant particularly discloses and claims.

The Examiner alleges that “a processor in operative communication with the one or more subscriber servers and the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one as more demographic databases, said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user” is disclosed at col. 22, lines 45-64; col. 15, lines 59-61; col. 16, lines 39-41; and col. 17, lines 5-11 of Lazarus.

Applicant submits that the Examiner has misconstrued the cited portions of Lazarus which merely discloses that:

“[In] FIG. 18...the profile vector of the user and the behavior vector for the search query is compared to the entity vectors and ranked according to this comparison to establish a score. The profile score of the user is compared against the behavior score for the search query to determine which score is larger...[and] an advertisement is selected based upon the...score.”

Applicant respectfully submits that the above-quoted portion of Lazarus does not teach or suggest, “a processor in operative communication with the one or more subscriber servers and

the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one or more demographic databases, said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user,” as particularly claimed by Applicant. Again, there is no mention whatsoever of a second data set of third party information. There is no mention or suggestion in Lazarus of determining a score via a rule processor applying rules to a first and second data set.

Since each and every element of independent claim 1 is not present as in the claims, Applicant respectfully submits that claim 1 is not anticipated by Lazarus under 35 U.S.C. 102(e). Accordingly, the rejections of independent claim 1, and claims 2-3, 5-8 and 12-13 ultimately depending therefrom are improper and should be withdrawn.

## 2. Rejection of Claim 14

Independent claim 14 recites:

“A method of mining data, said method comprising the steps of:

receiving from one or more subscriber servers user-identifying indicia and providing a first data set of user information;

generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information;

communicating the key to the one or more demographic databases;

receiving from the one or more demographic databases demographic information relating to the user-identifying indicia and providing a second data set;

applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia; and

communicating the score to the subscriber server.”

The Examiner alleges that “receiving from one or more subscriber servers user-identifying indicia and providing a first data set of user information” as in Applicant’s claim 14, is disclosed at lines 5-23 of col. 17, and line 15 of col. 21 to line 13 of col. 22 of Lazarus.

Applicant respectfully submits that the Examiner has misconstrued the cited portions of Lazarus which merely describe a real-time ad server (RTAS) module which observes the user behavior, and based upon that behavior, selects the appropriate ad to present to the user computer.

“The RTAS module 214 also incorporates user behavior into the user's profile vector. These behaviors include a web page request 218 or a search query 217 as shown in FIG. 2. The client computer 219 passes a behavior packet including the observed behavior in the client API. The RTAS module 214 uses the information contained in the user behavior packet to generate a behavior vector for the user action.”

If the RTAS module detects that a user has clicked on an ad, the RTAS module sends an update message to an entity update server (EVUS) module.

“The EVUS module 228 consists of one or more executable computer programs that receive requests from clients over a network protocol (TCP/IP) and generates responses to such requests. The EVUS module 228 may have one or more physical databases which are used to efficiently store and index the user profile content vectors and parameters by unique entity IDs.”

However, even as construed by the Examiner, Applicant respectfully submits that the above-quoted portions of Lazarus do not teach or suggest “receiving from one or more subscriber servers user-identifying indicia and providing a first data set of user information” as particularly claimed.

The Examiner further contends that “generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information,” “communicating the key to a demographic database,” and “receiving from the one or more demographic databases demographic information relating to the user-identifying indicia and providing a second data set” is disclosed at col. 16, lines 60-62, col. 19, lines 49-53, col. 18, line 53 to col. 19, line 23; and col. 20, lines 30-43.

Applicant respectfully submits that the Examiner has misconstrued the cited portions of Lazarus which merely mention a “user ID” and refer to “demographic purchasing databases” containing user demographics used to augment user information. However, Lazarus does not disclose or suggest demographic database(s) such as Applicant particularly discloses and claims in claim 14 **providing a second data set, which along with the first data set, is applied to one or more rules**. Applicant respectfully submits that the above-quoted portion of Lazarus does not

teach or suggest, for example, “generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information,” as Applicant particularly claims. There is no mention in Lazarus of “third party information,” as a second data set applied to rules along with a first data set such as particularly claimed in amended claim 14.

The examiner alleges that “applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia” and “communicating the score to the subscriber server” is disclosed at col. 22, lines 45-64.

Applicant submits that the Examiner has misconstrued the cited portions of Lazarus which merely discloses that:

“[In] FIG. 18...the profile vector of the user and the behavior vector for the search query is compared to the entity vectors and ranked according to this comparison to establish a score. The profile score of the user is compared against the behavior score for the search query to determine which score is larger...[and] an advertisement is selected based upon the...score.”

Applicant respectfully submits that the above-quoted portion of Lazarus does not teach or suggest, “applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia” and “communicating the score to the subscriber server,” as particularly claimed by Applicant. Again, there is no mention whatsoever of a second data set of third party information. There is no mention or suggestion in Lazarus of determining a score by applying rules to a first and second data set.

It is respectfully submitted that independent claim 14 is not anticipated by Lazarus. Accordingly, the rejections of independent claim 14, and claims 18 and 20 depending therefrom are improper and should be withdrawn.

**Rejections Under 35 U.S.C. §103(a)**

Applicant respectfully traverses the Examiner’s rejection of claims 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Lazarus.

Applicant respectfully submits that claims 17 and 19 depend ultimately from claim 14 and are therefore not anticipated by Lazarus for at least the reasons set forth hereinbefore with respect to claim 14. All of the recited claim elements are not present in the cited reference as discussed herein before. Consequently, Applicant respectfully submits that claims 17 and 19 are patentable over Lazarus under 35 U.S.C. 103(a). Accordingly, the rejection of claims 17 and 19 is improper and should be withdrawn.

Applicant respectfully traverses the Examiner's rejection of claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Lazarus in view of U.S. Patent No. 6144988 to Kappel (hereinafter referred to as "Kappel").

Kappel is directed towards a system for processing data for an internet web site. The web site is run by a web server that includes a server interface and a processing servlet. The processing servlet accepts registration information or other user data from a user of the web site and maps it from a native format to a universal format. The system further includes a remote server connected to the web server by the internet. The remote server processes the universal format user data to produce final universal format user data which is then sent to the processing servlet. Finally, the processing servlet maps the final universal format user data to final native format user data and sends it to the server interface.

The cited portions of Kappel merely indicate that:

"In an alternative embodiment, the first category of registration information may contain only the address and/or the telephone number from the corresponding fields of the registration page. In either embodiment, the second category of information corresponds to unrelated information."

However, Kappel does not disclose or suggest a first data set of user information and a second data set of third party information. Kappel in no way discloses or suggests processing first and second data sets as claimed in the instant application. Kappel clearly does not disclose or suggest determining a score based on first and second data sets.

Applicant respectfully submits that claims 9-11 depend ultimately from claim 1 and are therefore distinguishable from Lazarus for at least the reasons set forth hereinbefore with respect to claim 1. Furthermore, the Examiner does not cite Kappel to make up for the above-described deficiencies of Lazarus, but instead cites Kappel only in regard to features in dependent claims 9-11. Accordingly, Applicant submits that claims 9-11 are distinguishable from the applied combination of Lazarus and Kappel for reasons set forth hereinbefore with respect to claim 1, and that the rejection of claims 9-11 is therefore improper and should be withdrawn.

Applicant respectfully traverses the Examiner's rejection of claims 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Lazarus in view of U.S. Patent No. 5848396 to Gerace (hereinafter referred to as "Gerace").

Gerace is directed toward software for targeting end users based on so-called psychographic profiles formed by recording the users' computer activity. Categories of interest and display format in each category are revealed by the profile, based on user viewing of so-called "agate information." Using the profile, advertisements are displayed to appropriately selected users. Gerace, like Lazarus, does not disclose or suggest a second data set of third party data. Gerace, like Lazarus, does not disclose or suggest applying rules to a first and second data set to determine a score.

The cited portions of Gerace merely indicate that:

"a subroutine...performs a regression analysis on the recorded history of users viewing the ads. The subroutine refines profiles of target users based on the regression analysis. Preferably, the regression analysis weights the relative importance of psychographic and/or demographic characteristics of users. As such, over time, the advertisements become better targeted to users..." (see col. 2, lines 43-53; see also similar description at col. 13, lines 9-20).

Applicant respectfully submits that the above-quoted portion of Gerace does not teach or suggest a second data set of third party information nor "applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia," as particularly claimed.



From the foregoing, it is clear that neither Lazarus nor Gerace alone or in combination disclose or suggest each and every element of claim 14. Consequently, the Examiner has not made a prima facie case of obviousness. Consequently, the rejection of claims 15-16 under 35 U.S.C. 103(a) is improper and should be withdrawn.

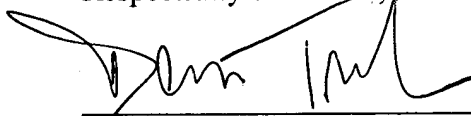
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any fee(s) that may be associated with this Response to Deposit Account No. 50-0369.

11/16/04

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Respectfully submitted,



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